

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) No. 4:21CR00423 RWS
)
ROTIMI OLADIMEJI,)
)
Defendant.)

GOVERNMENT'S RESPONSE TO DEFENDANT'S SENTENCING MEMORANDUM

Comes now the United States of America, by Sayler A. Fleming, United States Attorney for the Eastern District of Missouri, and Tracy Lynn Berry, Assistant United States Attorney for said District, and opposes Defendant's request for a probationary sentence or, in the alternative, a sentence of 18 months incarceration as being insufficient to comply with the sentencing objectives set forth in Title 18, United States Code, Section 3553(a).

According to Defendant, he seeks the sentence in order to maximize his ability to pay restitution to the victim of the offense, R.W. Based upon the circumstances of this case and the manner in which Defendant obtained his employment, the Government submits that his promise to pay restitution if this Court were to impose either of the sentences sought is unrealistic. First, Defendant is pleading guilty to an aggravated felony which may subject him to deportation. Second, because Defendant obtained his employment with Duck Technologies through fraudulent means, there exists a possibility that he could be terminated upon his conviction. Exhibit 1: Linked In Profile; Exhibit 2: Resume. Third, even though Defendant has had a monthly cash flow in excess of \$4,200 a month for over a year, it does not appear from the record that any of those funds are

available for payment of restitution. See, PSR ¶ 72.

The Government also submits that the sentence sought is insufficient because the Defendant has minimized his involvement in the criminal enterprise by claiming that he was only responsible for the losses associated with the mailings and one wire transaction. The Government will be prepared to present evidence during the sentencing hearing of Defendant's involvement in the scheme far in excess of those set forth in his sentencing memorandum and objections to the presentence investigation report.

Respectfully submitted,

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United States Attorney

s/ Tracy Lynn Berry
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CERTIFICATE OF SERVICE

A copy of the foregoing was served electronically to counsel of record through the electronic case filing system this 13th day of November, 2023.

s/ Tracy Lynn Berry
ASSISTANT UNITED STATES ATTORNEY